



SUSANA MARTINEZ  
Governor

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Lt. Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

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BUTCH TONGATE  
Cabinet Secretary

J. C. BORREGO  
Deputy Secretary

**Certified Mail - Return Receipt Requested**

January 30, 2018

Edward J. Kelly, Construction Manager  
12800 Tuckahoe Creek Parkway  
Richmond, VA 23238

**Re: CarMax Auto Superstore – Santa Fe, Construction Stormwater; SIC 1522; NPDES Compliance Evaluation Inspection; NPDES #NMR1000UC; January 3, 2018**

Dear Mr. Kelly:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the “NPDES Construction General Permit” section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston  
US Environmental Protection Agency, Suite 1200  
Enforcement Branch (6EN-WS)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager  
New Mexico Environment Department  
Surface Water Quality Bureau  
Point Source Regulation Section  
P.O. Box 5469  
Santa Fe, New Mexico 87502

CarMax Auto Superstore

January 30, 2018

NMR1000UC

If you have any questions about this inspection report, please contact Daniel Valenta at 505-827-2575 or at [daniel.valenta@state.nm.us](mailto:daniel.valenta@state.nm.us).

Sincerely,

*/s/Sarah Holcomb*

Sarah Holcomb

Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail

David Long, USEPA (6EN-WM) by e-mail

Amy Andrews, USEPA (6EN-WM) by e-mail

David Esparza, USEPA (6EN-WM) by e-mail

Robert Houston, USEPA (6EN-WS) by e-mail

Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail

Nancy Williams, USEPA (6EN-WC) by e-mail

## NPDES Construction General Permit Inspection Report – State of New Mexico

Inspection Date	1/3/2018	Entry Time Exit Time	Entry: 1003 hours Exit: 1120 hours
Inspector Name/ Telephone	Daniel Valenta (505) 827-2575 Sandra Gabaldon		
Facility Name/ Physical Location	CarMax Auto Superstore – Santa Fe Cerrillos Road., Santa Fe, NM 87505		
Facility Type	<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Municipal <input type="checkbox"/> Industrial		
County Location	Santa Fe County		
Latitude/Longitude (Decimal Degrees)	35.6218° N, -106.0292°E		

Operator/Mailing Address	Date Company Operation Began	Authorized Official(s)	Phone	NPDES Tracking Number	NOI Cert Date	SWPPP Cert Date
CarMax Auto Superstore	10/2/2017	Edward Kelly	804-747-0422	NMR1000UC	10/11/17	No SWPPP
Banes General Contractors	10/2/2017	Mr. Matt Ferguson	303-573-6500	NMU001947	N/A	N/A

Was project covered under a previous permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, previous NPDES Tracking Numbers:	N/A
Actual Start Date	9-19-2017         Estimated End Date         9-19-2018
Disturbed Area	<input type="checkbox"/> >5 acre <input checked="" type="checkbox"/> 1>acre<5 <input type="checkbox"/> <1acre and part of larger common plan
Receiving Water, including information on segment number, impairments, tier	Santa Fe MS4 thence to Cienega Creek in 20.6.4.113 NMAC. Listed as Tier 2 waterbody. East outfall to Arroyo de los Chamisos, 20.6.4.98 NMAC.

Permittee Representatives Present During Inspection:			
Name	Company/Organization	Title	Telephone
Mr. Marco Martinez	Banes General Constructors	Project Engineer/Superintendent	505-469-6987
Mr. Hector Vasquez	Banes General Constructors	Superintendent	505-948-0945



Form Approved  
OMB No. 2040-0003  
Approval Expires 7-31-85

## NPDES Compliance Inspection Report

### Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N M R 1 0 0 0 U C 11 12 1 8 0 1 0 3 17 18 }				19 S 20 2	
Remarks					
C O N S T R U C T I O N > 1 A C R E					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 1	71 N	72 N	73 74 75	80

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 1003/1-3-2018	Permit Effective Date 2-16-2017
CarMax Auto Superstores West Coast, Inc. 6820 Cerrillos Road, Santa Fe, 87507  Santa Fe County	Exit Time/Date 1120/1-3-2018	Permit Expiration Date 2-16-2022
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Mr. Marco Martinez/Project Engineer/Superintendent/505-469-6987 Mr. Hector Vasquez/Superintendent/ 505-948-0945	LAT 35.6222 N LONG -106.027 W SIC 1522	
Name, Address of Responsible Official/Title/Phone and Fax Number	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Edward J. Kelly, 12800 Tuckahoe Creek Parkway, Richmond, VA 23238/Construction Manager/804-747-0422		

### Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	M	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
M	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

### Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. CarMax Auto Superstore West Coast, Inc. did not prepare a SWPPP but still applied for permit coverage on 10/11/2017. No SWPPP was available for review at the time of the inspection on 1/3/2018.
2. Please see further explanations for details.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Daniel Valenta /s/Daniel Valenta	NMED/SWQB 505-827-2575	1/30/2018
Signature of Management QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
Jennifer Foote /s/Jennifer Foote	NMED/SWQB 505-827-2637	1/30/2018

**CarMax Auto Superstore West Coast, Inc.**  
**January 3, 2018**  
**NMR1000UC**

**Section I – Introduction:**

On January 3, 2018, a Compliance Evaluation Inspection (CEI) was conducted at the CarMax Auto Superstore construction site, operated by Banes General Contractors as the General Contractor under USEPA Construction General Permit (CGP) Notice of Intent (NOI) tracking number NMR1000UC by Daniel Valenta and Sandra Gabaldon of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB).

The inspection was conducted by NMED for the US Environmental Protection Agency (USEPA), Region V I , under the NPDES permit program, in accordance with the federal Clean Water Act. These inspections are conducted on behalf of the USEPA and are used by EPA to evaluate compliance with the NPDES permit program. This inspection report is based on information supplied by the permittee representatives, observations made by the NMED inspector, and reports and records kept by the permittee and/or NMED.

The CarMax Auto Superstore construction site is estimated to disturb approximately 5 acres in a project to build a CarMax used car dealership. The discharge of stormwater from the construction site may enter the Santa Fe small Municipal Separate Storm Sewer System (sMS4) on the west side of the site which discharges to Cienega Creek in segment 20.6.4.113 NMAC. The Designated Uses for this segment of the river are: irrigation, livestock watering, wildlife habitat, primary contact and cool water aquatic life. There are no impairments currently listed for Cienega Creek on NMED's 303(d)/305(b) Integrated Report, which makes this a Tier 2 waterbody for antidegradation purposes.

On the east side discharges may enter the Arroyo de los Chamisos thence to the Arroyo de los Chamises thence to the Arroyo Hondo and to Cienega Creek. The Arroyo de los Chamisos is an unassessed intermittent water and thus is subject to 20.6.4.98 NMAC. The Designated Uses for this segment of the river are: livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.

**Section II – Observations Summary:**

**Permit:**

There are two operators at this construction site that require permit coverage. CarMax Auto Superstore West Coast Inc. is the owner of the project that has control over plans and specifications for the site.

At the time of the inspection, they have submitted an effective Notice of Intent (NOI) , and received permit coverage and were assigned NMR1000UC for tracking purposes. Banes General Contractor, Inc. is the operator who has control over day to day activities at the site and did not apply for permit coverage.

Permit eligibility was certified as a Criterion A for ESA consideration but there was no documentation present in the SWPPP to confirm this criterion. The NOI stated, "Marron and Associates prepared an Biological Resources Survey Report dated November 2015 and concluded that no indications of threatened or endangered species exist on the property."

**CarMax Auto Superstore West Coast, Inc.**  
**January 3, 2018**  
**NMR1000UC**

This document was not present. Additionally, there was no documentation present in the SWPPP to confirm that National Historic Preservation Act requirements were met.

**SWPPP:**

A folder labeled SWPP was at facility. No material was present that could be identified as a SWPPP.

**Recordkeeping & Inspections:**

Generally, schedules and other documentation should be in the SWPPP for corrective action, training, dates of BMP installation, and construction phasing. None of these were present. Two inspections reports were present. One dated 10/5/2017 and the other dated 12/8/2017.

**BMPs/Implementation:**

BMPs implemented on site included mulch sock installation at the north perimeter of the site, which appeared properly installed however the location they were installed served no function, see photo 2. A concrete washout bin was present but was leaking, see photo 2.

**Inspection Findings:**

Findings below are organized by permit section.

**Permit Eligibility**

**Findings:**

- Banes General Contractors Inc. is the contractor of the construction site and has control over day to day activities at the site and did not apply for permit coverage.
- The owner/operator both did not post the publicly accessible NOI information on the day of the inspection.
- Although the NOI documented eligibility for the permit under Criterion A for Endangered Species Act purposes, there was no documentation present in the SWPPP. No documentation was present to confirm that the owner or operator had used the process outlined in Appendix D of the permit (the ECOS process should result in a printable document).
- Additionally, no documentation was present in the SWPPP to indicate that the process in Appendix E had been followed for NHPA considerations.

**Design, Installation and Maintenance Requirements**

**CarMax Auto Superstore West Coast, Inc.**  
**January 3, 2018**  
**NMR1000UC**

**Finding:**

- No RUSLE evaluation was present in the SWPPP.
- At the time of the inspection, two construction entrances existed. One, with a stabilized apron next to Cerrillos Rd, was considered the exit for track out purposes, see photo 3. The other was considered a working entrance and was not stabilized, see photo 4. A sewage line was being installed and this was the entrance/exit to the Arroyo Chamisos. This area was an undisturbed field.
- On the day of the inspection, there was a dumpster present to collect construction wastes, but without a cover and per the permittee representative not covered at night.

**Water Quality Based Effluent Limitations**

**Finding:**

- Discharge from this construction site on the east side may reach the Arroyo Hondo considered a Tier 2 waterbody for antidegradation purposes, and making it a “sensitive waterbody” under EPA’s definition in this permit. In this instance, there is no additional monitoring required, but weekly inspections are required.

**Site Inspection Requirements**

**Findings:**

- Personnel conducting inspections of behalf of the owner/operator did not have credentials present in the SWPPP. For proof that a “Qualified Person” is making compliance determinations, training must be documented in the SWPPP.
- It was reported site construction began on 9/19/2017. When discharges may occur in a Tier II water weekly inspections are required. Site was only inspected twice since construction began on 10/5/2017 and 12/8/2017.

**Permit Implementation (Site Review)**

**Findings:**

- Port-o-potties present on site were not staked down/secure at the time of this inspection.
- Slight track out from the site was observed on Cerrillos Street.
- See attachment 1 for corrective actions taken.

**NMED/SWQB  
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: January 3, 2018	Time: 1003 hours
City/County: Santa Fe/ Santa Fe County		
Location: 6820 Cerrillos Road, Santa Fe, New Mexico		
Subject: Construction site for the new CarMax Auto Superstore		





**NMED/SWQB  
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: January 3, 2018	Time: 1050 hours
City/County: Santa Fe/ Santa Fe County		
Location: 6820 Cerrillos Road, Santa Fe, New Mexico		
Subject: Concrete washout leaking onto the ground note waddles at top of slope near the fence.		



**NMED/SWQB  
Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: January 3, 2018	Time: 1101 hours
City/County: Santa Fe/ Santa Fe County		
Location: : 6820 Cerrillos Road, Santa Fe, New Mexico		
Subject: West entrance/exit onto Cerrillos St.		



**NMED/SWQB  
Official Photograph Log**

Photo # 4

Photographer: Daniel Valenta	Date: January 3, 2018	Time: 1053 hours
City/County: Santa Fe/ Santa Fe County		
Location: : 6820 Cerrillos Road, Santa Fe, New Mexico		
Subject: East side of construction site. Linear disturbance for new sewage line. Disturbance goes across the Arroyo de los Chamisos.		





**NMED/SWQB  
Official Photograph Log**

Photo # 5

Photographer: Daniel Valenta	Date: January 3, 2018	Time: 1115 hours
City/County: Santa Fe/ Santa Fe County		
Location: 6820 Cerrillos Road, Santa Fe, New Mexico		
Subject: Soil disturbance up to the edge of the Arroyo Chamisos. The project had an 404 permit to operate within the Arroyo de los Chamisos.		



# Attachment 1



Banes General Contractors

Printed on Wed Jan 10, 2018 at 05:08 pm MST

Job #: 7495 Santa Fe CarMax No. 6112  
6800 Cerrillos Road  
Santa Fe, New Mexico 87507  
(915) 584-0404



Roll-Dumpster Covered



Cerrillos Road Swept In  
A Daily Basis.

**Taken Date**

2018/01/10 15:45:48

**Uploaded By**

Hector Vazquez

**Upload Date**

2018/01/10 15:55:01

**File Name**

[IMG\\_6551.JPG](#)

**Taken Date**

2018/01/09 14:20:48

**Uploaded By**

Hector Vazquez

**Upload Date**

2018/01/09 16:32:20

**File Name**

[IMG\\_6430.JPG](#)



Cerrillos RD Swept In  
Daily Basis.



Installation Of  
Wattles At Perimeter  
Fence.

**Taken Date**

2018/01/09 14:20:00

**Uploaded By**

Hector Vazquez

**Upload Date**

2018/01/09 16:32:52

**File Name**

[IMG\\_6425.JPG](#)

**Uploaded By**

Hector Vazquez

**File Name**

[IMG\\_6417.JPG](#)





Banes General Contractors

Printed on Wed Jan 10, 2018 at 05:08 pm MST

Job #: 7495 Santa Fe CarMax No. 6112  
6800 Cerrillos Road  
Santa Fe, New Mexico 87507  
(915) 584-0404



Installation OF Wattles  
At Perimeter Fence.



Erosion Control At  
Arroyo Sewer Man Holes

**Taken Date**  
2018/01/09 14:17:39

**Uploaded By**  
Hector Vazquez

**Upload Date**  
2018/01/09 15:23:13

**File Name**  
[IMG\\_6412.JPG](#)



Access Control Entrance  
With Crush Stone As Per  
SWPPP Details.

**Taken Date**  
2018/01/09 11:34:17

**Uploaded By**  
Hector Vazquez

**Upload Date**  
2018/01/09 15:23:16

**File Name**  
[IMG\\_6388.JPG](#)

**Taken Date**  
2018/01/09 12:56:56

**Uploaded By**  
Hector Vazquez

**Upload Date**  
2018/01/09 15:23:17

**File Name**  
[IMG\\_6392.JPG](#)



Perimeter Fence Clean  
Of Flying Debris.

**Taken Date**  
2018/01/09 11:17:58

**Uploaded By**  
Hector Vazquez

**Upload Date**  
2018/01/09 15:23:10

**File Name**  
[IMG\\_6379.JPG](#)



Banes General Contractors

Printed on Wed Jan 10, 2018 at 05:08 pm MST

Job #: 7495 Santa Fe CarMax No. 6112  
6800 Cerrillos Road  
Santa Fe, New Mexico 87507  
(915) 584-0404



Cerrillos RD Swept In A  
Daily Basis.

**Taken Date**  
2018/01/08 16:45:06

**Uploaded By**  
Hector Vazquez

**Upload Date**  
2018/01/09 15:25:15

**File Name**  
[IMG\\_6332.JPG](#)



Cerrillos RD Maintained  
Clean

**Taken Date**  
2018/01/03 15:37:12

**Uploaded By**  
Hector Vazquez

**Upload Date**  
2018/01/09 16:35:28

**File Name**  
[IMG\\_6080.JPG](#)



Cerrillos RD Maintained  
Clean At The Access  
Road.

**Taken Date**  
2018/01/08 16:43:47

**Uploaded By**  
Hector Vazquez

**Upload Date**

**File Name**  
[IMG\\_6331.JPG](#)



Cerrillos Rd Maintained  
Clean In Daily Basis At  
The Site Access Road.

**Taken Date**  
2018/01/03 15:37:00

**Uploaded By**  
Hector Vazquez

**Upload Date**  
2018/01/09 16:35:21

**File Name**  
[IMG\\_6076.JPG](#)